

UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Nieves Parra-Montoya, )

(A205 936 174) )

Defendant )

Case No. 17-9448 MJ )

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 19, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Nieves Parra-Montoya, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about August 11, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**


REVIEWED BY: <sup>CEB</sup> Charles E. Bailey, P.S. for AUSA Margaret Perlmeter

☒ Continued on the attached sheet.


Sworn to before me and signed in my presence.

Date: September 20, 2017

City and state: Phoenix, Arizona

  
Complainant's signature

Marcus D. Leggett,  
Deportation Officer  
Printed name and title

  
Judge's signature

Eileen S. Willett,  
United States Magistrate Judge  
Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 19, 2017, the Arizona Department of Public Safety (DPS) encountered Nieves Parra-Montoya during a traffic stop on 83<sup>rd</sup> Avenue and Interstate 10, in Phoenix, Arizona. DPS Trooper Garcia suspected Parra-Montoya to be illegally present in the United States and contacted the Phoenix ICE Law Enforcement Agency Response Unit for assistance. ICE Officer Hall telephonically interviewed Parra-Montoya and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Parra-Montoya was transported to the Phoenix ICE office for further investigation and processing. Parra-Montoya was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Nieves Parra-Montoya to be a citizen of Mexico and a previously deported criminal alien. Parra-Montoya was removed from the United States to Mexico at or near El Paso, Texas, on or about August 11, 2014,

pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Parra-Montoya in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Parra-Montoya's immigration history was matched to him by electronic fingerprint comparison.

4. On September 19, 2017, Nieves Parra-Montoya was advised of his constitutional rights. Parra-Montoya freely and willingly agreed to provide a statement under oath. Parra-Montoya stated that his true and complete name is "Nieves Parra M.," and that he is a citizen of Mexico. Parra-Montoya stated that he illegally entered the United States three (3) years ago, through Naco, Sonora, without inspection by an immigration officer. Parra-Montoya further stated that he had been removed from the United States to Mexico on two (2) occasions.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about September 19, 2017, Nieves Parra-Montoya, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

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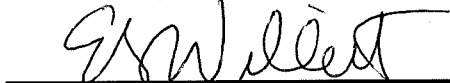
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at or near El Paso, Texas, on or about August 11, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

A handwritten signature in black ink, appearing to read "M. Leggett", written over a horizontal line.

Marcus D. Leggett,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 20<sup>th</sup> day of September, 2017.

A handwritten signature in black ink, appearing to read "E. Willett", written over a horizontal line.

Eileen S. Willett,  
United States Magistrate Judge